

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO *ex rel.* 05 JUL 14 PM 4:33
State Engineer,

Plaintiff,
v.

RAMON ARAGON, *et al.*

Defendants.

CLERK-SANTA FE 69cv07941 BB-ACE

RIO CHAMA STREAM SYSTEM
Section 7: Rutherford & Plaza Blanca

Subfile No(s).

CHRU-001-0003
CHRU-002-0001
CHRU-004-0019
CHRU-004-0027
CHRU-004-0030
CHRU-004-0037

ORDER GRANTING DEFAULT JUDGMENT

This matter is before the Court upon the motion by the plaintiff, State of New Mexico, *ex rel.*, State Engineer's May 25, 2005 Motion for Default Judgment (Docket No. 7904) in the Rutherford & Plaza Blanca subsection of the Rio Chama Stream System. The Court, being fully advised, finds that the State's motion is well taken and should be GRANTED.

The Court, being fully advised, finds:

1. The Court has jurisdiction of the parties and the subject matter herein.
2. The defendants named below have been legally served with process or have waived service of summons.
3. The defendants named below have failed to appear, answer, or otherwise defend in this cause, and are adjudged to be in default.

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4. The State Engineer's hydrographic survey and report of the Rio Chama Stream System, Section 7, Rutherford & Plaza Blanca (April 30, 2002) relating to the defendants' water rights have been introduced into the record, and the same are hereby incorporated and made a part of this order.
5. The water rights of the defendants named below in the above-styled and captioned cause are as follows:

WILLIAM N. MELTON
LOUISE W. PAPE
WILLIAM R. PAPE

Subfile No.: CHRU-001-0003

A. IRRIGATION (Surface Water Only)

Office of the State Engineer Files No(s) 1545 & 1699

Priority: Reserved for future determination by court order entered November 19, 2002.

Source of Water: Surface water of the Rio Chama, a tributary of the Rio Grande.

Purpose of Use: IRRIGATION

Point of Diversion:

Ditch: WILLOW CREEK MESA DITCH

Location: X= 1,548,909 feet Y= 2,103,084 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Location and Amount of Irrigated Acreage:

Within the Tierra Amarilla Grant	241.3 acres
Total	241.3 acres

As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHRU-001-0003

Amount of Water: Reserved for future determination by court order entered November 19, 2002.

B. NO RIGHT (Surface Water Only)

Office of the State Engineer Files No(s) 1545 & 1699

Priority: NONE

Source of Water: Surface water of the Rio Chama, a tributary of the Rio Grande.

Purpose of Use: NO RIGHT

Point of Diversion:

Ditch: WILLOW CREEK MESA DITCH

Location: X= 1,548,909 feet Y= 2,103,084 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Location and Amount of Acreage:

Within the Tierra Amarilla Grant	45.7 acres
Total	45.7 acres

As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHRU-001-0003

Amount of Water: NONE

WILLIAM N. MELTON
LOUISE W. PAPE
WILLIAM R. PAPE

Subfile No.: CHRU-002-0001

A. IRRIGATION (Surface Water Only)

Office of the State Engineer Files No(s) 1545 & 1699

Priority: Reserved for future determination by court order entered November 19, 2002.

Source of Water: Surface water of the Rio Chama, a tributary of the Rio Grande.

Purpose of Use: IRRIGATION

Point of Diversion:

Ditch: WILLOW CREEK MESA DITCH

Location: X= 1,548.909 feet Y= 2,103.084 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Location and Amount of Irrigated Acreage:

Within the Tierra Amarilla Grant	333.0 acres
Total	333.0 acres

As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHRU-002-0001

Amount of Water: Reserved for future determination by court order entered November 19, 2002.

B. NO RIGHT (Surface Water Only)

Office of the State Engineer Files No(s) 1545 & 1699

Priority: NONE

Source of Water: Surface water of the Rio Chama, a tributary of the Rio Grande.

Purpose of Use: NO RIGHT

Point of Diversion:

Ditch: WILLOW CREEK MESA DITCHI

Location: X= 1,548,909 feet Y= 2,103,084 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Location and Amount of Acreage:

Within the Tierra Amarilla Grant	58.1 acres
Total	58.1 acres

As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHRU-002-0001

Amount of Water: NONE

C. IRRIGATION (Surface Water Only)

Office of the State Engineer Files No(s) 1545 & 1699

Priority: Reserved for future determination by court order entered November 19, 2002.

Source of Water: Surface water of the Rio Chama, a tributary of the Rio Grande.

Purpose of Use: IRRIGATION

Point of Diversion:

Ditch: WILLOW CREEK MESA DITCHI

Location: X= 1,548,909 feet Y= 2,103,084 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Location and Amount of Irrigated Acreage:

Within the Tierra Amarilla Grant	79.7 acres
Total	79.7 acres

As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHRU-002-0001

Amount of Water: Reserved for future determination by court order entered November 19, 2002.

DELLA M. MARTINEZ
TONY H. MARTINEZ

Subfile No.: CHRU-004-0019

A. IRRIGATION (Surface Water Only)

Office of the State Engineer Files No(s) 03303

Priority: Reserved for future determination by court order entered November 19, 2002.

Source of Water: Surface waters of the Rio Chama, a tributary of the Rio Grande.

Purpose of Use: IRRIGATION

Point of Diversion:

Ditch: PLAZA BLANCA DITCH

Location: X= 1,541,189 feet Y= 2,082,415 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Location and Amount of Irrigated Acreage:

Within the Tierra Amarilla Grant	9.8 acres
Total	9.8 acres

As shown on the 2002 Hydrographic Survey Map CHRU- 4.

Amount of Water: Reserved for future determination by court order entered November 19, 2002.

WILLIAM N. MELTON
LOUISE W. PAPE
WILLIAM R. PAPE

Subfile No.: CHRU-004-0027

A. IRRIGATION (Surface Water Only)

Office of the State Engineer Files No(s) 1545 & 1699

Priority: Reserved for future determination by court order entered November 19, 2002.

Source of Water: Surface water of the Rio Chama, a tributary of the Rio Grande.

Purpose of Use: IRRIGATION

Point of Diversion:

Ditch: WILLOW CREEK MESA DITCH

Location: X= 1,548.909 feet Y= 2,103.084 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Location and Amount of Irrigated Acreage:

Within the Tierra Amarilla Grant	130.5 acres
Total	130.5 acres

As shown on the 2002 Hydrographic Survey Map CHRU- 4.

Amount of Water: Reserved for future determination by court order entered November 19, 2002.

B. NO RIGHT (Surface Water Only)

Office of the State Engineer Files No(s) 1545 & 1699

Priority: NONE

Source of Water: Surface water of the Rio Chama, a tributary of the Rio Grande.

Purpose of Use: NO RIGHT

Point of Diversion:

Ditch: WILLOW CREEK MESA DITCH

Location: X= 1,548,909 feet Y= 2,103,084 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Location and Amount of Acreage:

Within the Tierra Amarilla Grant	18.4 acres
Total	18.4 acres

As shown on the 2002 Hydrographic Survey Map CHRU- 4.

Amount of Water: NONE

THE KATCHINA TRUST

Subfile No.: CHRU-004-0030

A. IRRIGATION (Surface Water Only)

Office of the State Engineer Files No(s) 1545 & 1699

Priority: Reserved for future determination by court order entered November 19, 2002.

Source of Water: Surface water of the Rio Chama, a tributary of the Rio Grande.

Purpose of Use: IRRIGATION

Point of Diversion:

Ditch: WILLOW CREEK MESA DITCH

Location: X= 1,548,909 feet Y= 2,103,084 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Location and Amount of Irrigated Acreage:

Within the Tierra Amarilla Grant	5.8 acres
Total	5.8 acres

As shown on the 2002 Hydrographic Survey Map CHRU- 4.

Amount of Water: Reserved for future determination by court order entered November 19, 2002.

LINDA DEMILL.

Subfile No.: CHRU-004-0037

A. IRRIGATION (Surface Water Only)

Office of the State Engineer Files No(s) 1545 & 1699

Priority: Reserved for future determination by court order entered November 19, 2002.

Source of Water: Surface water of the Rio Chama, a tributary of the Rio Grande.

Purpose of Use: IRRIGATION

Point of Diversion:

Ditch: WILLOW CREEK MESA DITCH

Location: X= 1,548,909 feet Y= 2,103,084 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Location and Amount of Irrigated Acreage:

Within the Tierra Amarilla Grant	3.8 acres
Total	3.8 acres

As shown on the 2002 Hydrographic Survey Map CHRU- 4.

Amount of Water: Reserved for future determination by court order entered November 19, 2002.

IT IS, THEREFORE, ORDERED that the above-named defendants be and hereby are, adjudicated to have the water rights set out hereinabove, subject to the right of any other water rights claimant with standing to object prior to the entry of a final decree.

IT IS FURTHER ORDERED that the defendants, his or her successors, representatives, heirs and assigns, are enjoined from any diversion or use of the public surface waters of the Rio Chama Stream System, Section 7, except in strict accordance with the rights set forth herein or in other orders of the Court.



BRUCE D. BLACK
UNITED STATES DISTRICT JUDGE

Recommended for approval:

Vicars L. Gabin
SPECIAL MASTER